

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 23, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BRYAN PAUL HERNANDEZ,

Petitioner,

v.

ERIC CARPENTER,

Respondent.

No. 2:24-CV-00009-SAB

**ORDER DENYING MOTION
FOR RECONSIDERATION**

Before the Court is Petitioner's Motion for Reconsideration, ECF No. 24. Petitioner is a civil detainee at Eastern State Hospital and is representing himself. The State of Washington is represented by Amy Flanigan.

On April 8, 2024, the Court denied Petitioner's Motion for Default. ECF No. 23. Petitioner asks the Court to reconsider this Order because as of April 14, 2024, he had not been served a copy of the State of Washington's response.

In response to Petitioner's Motion for Reconsideration, counsel for the State of Washington filed a Certificate of Service by Mail. ECF No. 25. Counsel indicates Plaintiff was served with a copy of its Response by mail. Based on this representation, the Court denies Petitioner's Motion for Reconsideration. *See Eitel v. McCool*, 782 F.2d 1470, 1472 (9th Cir. 1986) (noting the general rule is that default judgments are ordinarily disfavored because cases should be decided upon their merits whenever reasonable possible).

//

ORDER DENYING MOTION FOR RECONSIDERATION ~ 1

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Petitioner's Motion for Reconsideration, ECF No. 24, is **DENIED.**

3 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
4 this Order and provide copies to Plaintiff and counsel.

5 **DATED** this 23rd day of April 2024.



10 

11 Stanley A. Bastian
12 Chief United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28